

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

THOMAS T. WINSTON,

Plaintiff,

v.

Case No. 20-CV-596-SCD

TAKATA CORPORATION,

Defendant.

ORDER DISMISSING COMPLAINT

On April 13, 2020, Thomas T. Winston filed this product-liability action against Takata Corporation, a foreign manufacturer of airbags. Winston, who is proceeding without the assistance of counsel, alleges that the airbags on his 2005 Mercedes Benz s500 never deployed during a significant motor vehicle accident on December 9, 2018, resulting in injuries to his back, brain, and skull. *See* ECF No. 1 at 2–3.

Winston asserts that he is suing Takata for a violation of federal law under 28 U.S.C. § 1331. *Id.* at 4. However, there is no federal product liability law in the United States. Rather, product liability is a vehicle of state law, typically under theories such as negligence, strict liability, or breach of warranty. Subject-matter jurisdiction under § 1331 is therefore lacking. The court could have subject-matter jurisdiction over Winston's claims if the requirements of diversity jurisdiction under 28 U.S.C. § 1332 are satisfied. Winston asserts that he is a citizen of Wisconsin and Takata is a citizen of Japan. ECF No. 1 at 1–2. Thus, he has sufficiently pleaded diversity of citizenship. *See* § 1332(a)(2) (establishing original jurisdiction over civil actions involving “citizens of a State and citizens of a foreign state”) Winston's complaint,